

Not For CitationIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MICHAEL BENNETT and LINDA BENNETT,

No. CV 11-80065 MISC CRB (NJV)

Plaintiffs,

**ORDER LIFTING STAY OF
ENFORCEMENT OF JUDGMENT**

v.

ISLAMIC REPUBLIC OF IRAN,


Defendant.

The factual and legal background of this action is set forth in earlier orders of this Court, and is incorporated here by reference. *See* Doc. Nos. 25, 38. On November 17, 2011, this Court granted Plaintiffs' application for writs of execution and stayed enforcement of judgment except for post-judgment discovery sufficient to establish that an exception to sovereign immunity applied to the funds upon which Plaintiffs sought to levy. Doc. No. 38. Plaintiffs sought to levy upon assets held by Franklin Resources, Inc., d/b/a Franklin Templeton Fiduciary Trust ("Franklin") that had been blocked by the Office of Foreign Assets Control. Plaintiffs conducted discovery and determined that the assets held by Franklin are owned by Bank Melli. Bank Melli has been determined to be an instrumentality of Iran, and its funds have been seized in at least one other case to compensate victims of terrorism. *See Weistein v. Islamic Republic of Iran*, 609 F.3d 43 (2d Cir. 2010). Pursuant to this Court's order of October 24, 2011, Plaintiffs have in *in camera* submissions identified the

1 account number, identity of the account holder, and the nature of the assets held in the account upon
2 which they seek to levy. They have described the nexus the account holder has with the judgment
3 debtor. Plaintiffs also have sufficiently addressed why the assets do not appear to be immune from
4 execution under TRIA and 28 U.S.C. section 1610(f)(1)(A) at this point. *See* Doc. No. 25 at 8.
5 Accordingly, the Court lifts the stay of enforcement of judgment. Plaintiffs may serve their writ of
6 execution on Franklin. Plaintiffs are further ordered to file the submissions they provided to the
7 Court *in camera* under seal. *See* Doc. No. 54.

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9 **IT IS SO ORDERED.**

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11 Dated: December 23, 2011



Nandor J. Vadas
United States Magistrate Judge